in the progress of society until it became a real law court. But, forgetting that law is not to be found in this well-edited volume, we must credit it with being scholarly, careful, thorough, and interesting; and by throwing light upon the age and its institutions it is very useful to the historian, even the legal historian.

J. H. B.

INTRODUCTION TO THE LAW OF REAL PROPERTY — RIGHTS IN LAND. Being Volume II of Cases on the Law of Property, American Case-Book Series. By Harry A. Bigelow. St. Paul: West Publishing Company. 1919. pp. ix, 88; xviii, 741.

This book represents Volume II of the Cases on the Law of Property of the American Case-Book Series. It comprises two parts: first, an introduction to the law of real property of eighty-eight pages. This portion consists largely of a textbook on the elementary principles of the older law of real property down to the eighteenth century, concerning the Feudal System, Estates, Non-Possessory Interests in Land, Joint Ownership, Disseisin, Uses and Trusts. Not over half a dozen cases are printed and few cited. The aim is to state simply, and in as clear language as possible, these old doctrines for assimilation by a beginner. Professor Bigelow has done this partly in his own language and partly in that of the leading text writers. We have nothing but good to say of this task. The author's own work compares most favorably with that of his distinguished predecessors from whom he quotes.

The second and by far the greater portion of the collection consists of about 750 pages of cases on rights in land, including Rights incidental to Possession, such as Air, Land, Waters, etc.; Rights in Land of Another, Profits, Easements, Licenses; Covenants running with Land at Law and to some extent in Equity; Rents, Waste, and Public Rights. The editor states that he has yielded to the traditional method of dealing with these topics in the first year of a student's law course instead of inserting between the matter covered by his Introduction and his second part Professor Aigler's collection numbered III in the same Series on Titles. And so he has presented the collection in a shape available for beginners. At the same time, without being dogmatic, he suggests the propriety of setting the first-year man to work on the making of deeds, on leases and surrenders, and on adverse possession, before easements, covenants, and writs.

We confess our preference for the traditional method and are glad that Professor Bigelow has adapted his case-book to it. We are impressed with the importance of the beginner's studying the rights in land, such as support of land by land, air, water, surface and underground, and public rights in streams and highways, in the same year that he is considering the general principles of liability and of torts. If his teacher in torts informs him that all liability is based on fault and that Fletcher *v.* Rylands is an excrescence, he should be able to compare this with doctrines in the Property class-room. And the subject of Easements would seem, as the editor has grouped it, to be closely associated with natural rights in land. We must admit, however, that the preference is not so apparent in the important subject of covenants running with the land.

J. W.

PRESENT PROBLEMS IN FOREIGN POLICY. By David Jayne Hill. New York: D. Appleton and Company. 1919. pp. xiii, 361.

As the title indicates, this is not a law book. It is a series of papers addressed to the general public. There is, however, at least one paper appealing peculiarly

to lawyers. That is the one entitled "The Treaty-Making Power under the Constitution of the United States."

Throughout the volume the author shows an opinion that the proposed covenant for a League of Nations in some respects goes too far, and in others not far enough.

The line of thought to the effect that the covenant does not go far enough is expressed in the following extract from the preface: "The proper task of the Entente of Free Nations formed in the prosecution of the Great War is not, therefore, to create a mere organ of power but an institution of justice. Such an institution cannot be established by a League of Nations, unless as an organization it makes law and not power the chief object of its existence. If it dedicates its energies frankly to the perfection of International Law, it may indeed rise to the height of world leadership; but, because all sovereign states are equal before the law, it cannot long subsist merely as a 'League,' which is essentially a group of Powers within the general Society of States. What is required is the union, not the division, of that Society."

On the other hand, in the paper on "The Treaty-Making Power under the Constitution of the United States" the author presents an argument tending to show that the treaty-making power in the Constitution as it now stands does not authorize the United States by treaty to enter into a league with even the limited functions described by the proposed covenant.

Yet there is no inconsistency between the two views, for the end suggested in the preface could be secured through an amendment to the Constitution.

E. W.

A HISTORY OF SUFFRAGE IN THE UNITED STATES. By Kirk H. Porter. Chicago: The University of Chicago Press. 1918. pp. xi, 260.

Mr. Porter has endeavored to give a compact presentation of the development of suffrage in the United States since the Revolution, a presentation as much of background as of fact. There is nothing in American literature to compare with Dicey's study of the interrelation of law and opinion in England during the nineteenth century, and any attempt to show the complex nature of the banks through which a single stream of legislation works its way deserves attention. It would be difficult to find a subject better adapted for this treatment than the vicissitudes of the franchise.

During the Revolution and in the years immediately following it, Mr. Porter shows, statesmen found no difficulty in holding that the natural right to participate in the functions of government became discoverable only with the acquisition of a certain amount of riches. Yet by 1857 not one state determined the voting eligibility of its citizens by their possessions, and only six states made taxpaying a qualification. Although the element fighting for the franchise always made use of the principles enunciated in the Declaration of Independence in their struggle, Mr. Porter stresses the fact that the democratization of the vote was, in large part, either the direct or indirect result of actual democratic conditions. New classes in the population created new problems, problems whose aspect varied with the locality in which they arose: while in the West the welcome to the foreigner was so hearty that several states gave aliens the vote, in the East the Know-Nothing Party sprang into existence in his shadow.

With the Fifteenth Amendment Mr. Porter sees passion triumphant, and with the subsequent measures of the Southern states which he groups under the succinct caption, "Disfranchising the Negro," he sees the reassertion of the principle of expediency which, throughout, he has endeavored to make the dominating if subconscious test of the extension of the franchise. The last chapter is a